

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

kp7299/MP
June 20, 2019
1:30 PM

IN RE:

Case No. 18-10071-CGM-13

JAMES WELLINGTON MARTIN, Jr.,

Hon. CECELIA G. MORRIS

NOTICE OF MOTION

Debtor.
_____X

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Cecelia G. Morris, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at One Bowling Green New York, NY 10004-1408 on the 20th day of June, 2019 at 1:30 PM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c)(6) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York
April 22, 2019

s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee
399 Knollwood Road, Ste 102
White Plains, NY 10603
(914) 328-6333

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IN RE:

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JAMES WELLINGTON MARTIN, Jr.,

Hon. CECELIA G. MORRIS

APPLICATION

Debtor.
_____X

TO THE HONORABLE CECELIA G. MORRIS U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor commenced this Chapter 13 case by filing a voluntary petition on January 10, 2018.

2. The current monthly plan payment amount is \$878.00. The total amount due under the plan, through and including April 2019 is \$12,036.00. To date, the Trustee has received \$6,890.00. Therefore, the Debtor has defaulted under the terms of the plan and is \$5,146.00 in arrears to the Trustee.

3. The debtor has failed to provide the trustee with federal and state tax returns for the year 2017, as required pursuant to the confirmed plan.

4. No prior application seeking the relief requested herein has been filed by the Chapter 13 Trustee.

5. The foregoing represents a material default by the Debtor with respect to the terms of the confirmed plan and constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. Section 1307(c)(6).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an order dismissing this Chapter 13 case and such other and further relief as may seem just and proper.

Date: April 22, 2019
White Plains, New York

s/Krista M. Preuss
KRISTA M. PREUSS, TRUSTEE

PAYMENT ADDRESS ONLY:
KRISTA M. PREUSS, TRUSTEE
PO BOX 613707
MEMPHIS, TN 38101-2178

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No: 18-10071-CGM-13

JAMES WELLINGTON MARTIN, Jr.,

**CERTIFICATE OF SERVICE
BY MAIL**

Debtor.

-----X

This is to certify that I, Michelle Puma, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

JAMES WELLINGTON MARTIN, Jr.
770 HANCOCK STREET
BROOKLYN, NY 11231

WILLIAM Z. KRANSDORF
LEGAL SERVICES NYC
40 WORTH ST, SUITE 606
NEW YORK, NY 10013

This April 22, 2019
s/Michelle Puma
Michelle Puma, Clerk
Office of the Standing Chapter 13 Trustee
Krista M. Preuss, Esq.
399 Knollwood Road, Suite 102
White Plains, NY 10603
(914) 328-6333

CASE NO: 18-10071-CGM-13
Hon. CECELIA G. MORRIS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

JAMES WELLINGTON MARTIN, Jr.,

Debtor.

NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

KRISTA M. PREUSS, TRUSTEE
399 KNOLLWOOD ROAD, STE 102
WHITE PLAINS, NY 10603
(914) 328-6333